

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Oliver GRIESBECK

Title: NOVEL GENETICALLY ENCODED BIOINDICATORS OF CALCIUM-IONS

Appl. No.: 10/567,091

Filing Date: August 4, 2004

Examiner: Unassigned

Art Unit: 1656

Conf. No.: 4598

**TRANSMITTAL OF RESPONSE TO  
NOTIFICATION OF DEFECTIVE RESPONSE**

Mail Stop PCT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Enclosed for filing herewith in response to the Notification of Defective Response mailed July 21, 2008, applicants submit the following:

- Amendment in Response to Notice Under 37 CFR §§ 1.821-825 (6 pages).
- Return Copy of Notification of Defective Response (2 pages);
- Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825 (1 page);
- 1 Computer readable format (1 diskette); and
- Paper copy of Sequence Listing (67 pages).

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,091	Oliver Griesbeck	085449-0185
22428	INTERNATIONAL APPLICATION NO.	
FOLEY AND LARDNER LLP	PCT/EP04/08739	
SUITE 500	I.A. FILING DATE	PRIORITY DATE
3000 K STREET NW	08/04/2004	08/04/2003
WASHINGTON, DC 20007		

**CONFIRMATION NO. 4598  
371 FORMALITIES LETTER**



OC000000031083420

Date Mailed: 07/21/2008

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 03/07/2008
- Copy of the International Search Report filed on 02/03/2006
- Copy of IPE Report filed on 02/03/2006
- Preliminary Amendments filed on 02/03/2006
- Information Disclosure Statements filed on 05/02/2007
- Biochemical Sequence Diskette filed on 06/10/2008
- Oath or Declaration filed on 05/02/2007
- Biochemical Sequence Listing filed on 02/03/2006
- Small Entity Statement filed on 02/03/2006
- Copy of references cited in ISR filed on 02/03/2006
- U.S. Basic National Fees filed on 02/03/2006
- Assignment filed on 05/02/2007
- Priority Documents filed on 02/03/2006
- Specification filed on 02/03/2006
- Claims filed on 03/07/2008
- Abstracts filed on 02/03/2006
- Drawings filed on 03/07/2008
- Paper Computer Listings filed on 03/07/2008

Applicant's response filed 06/10/2008 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/11/2008 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Refer to attachment or PAIR document dated See "CRFD" Error Report attached.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PATRICIA A BOOKER

---

Telephone: (703) 308-9140 EXT 204

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By Michele M. Simkin

Date: August 20, 2008

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicants  
Registration No. 34,717